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**MICHAEL L. E. KING, et al. Plaintiffs, v. DEUTSCHE BANK AG, et al.,  
Defendants.**

**CIVIL NO. 04-1029-HU**

**UNITED STATES DISTRICT COURT FOR THE DISTRICT OF OREGON**

*2005 U.S. Dist. LEXIS 11316*

**May 9, 2005, Decided**

**SUBSEQUENT HISTORY:** Related proceeding at *Pecan E. Antonio Investors, Inc. v. KPMG LLP, 2005 U.S. Dist. LEXIS 18707 (W.D. Tex., Aug. 31, 2005)*

**PRIOR HISTORY:** *King v. Deutsche Bank Ag, 2005 U.S. Dist. LEXIS 11317 (D. Or., Mar. 8, 2005)*

**COUNSEL:** [\*1] For Michael L.E. King, Marissa K. King, MK Investing, LLC, M&M King Investment Partners, Michelle L.E. King and Associates, Inc., Robert T. Mullholland, Susan Mulholland, RTM Bothell Investments LLC, RTSEM Investment Partners, RTSEM Investors Inc., RTSEM Bothell Investors Inc., Brian Allen, Kathleen Allen, BGA Monterey Investments LLC, Parts Voice Investments LLC, Compu-Time, Inc., Plaintiff: David R. Deary, Jeven R. Sloan, Stewart Clancy, W. Ralph Canada, Jr., Deary Montgomery DeFeo & Canada, LLP, Dallas, TX; John S. Stone, John S. Stone, LLC, Portland, OR; Meagan A. Flynn, Preston Bunnell & Flynn, LLP, Portland, OR.

For Deutsche Bank AG, Deutsche Bank Securities, Inc., a division of Deutsche Bank Securities, Inc., doing business as Deutsche Bank Alex Brown, David Parse, Defendants: Alec J. Shebiel, Keith S. Dubanevich, Garvey Schubert Barer, Portland, OR; Christine Y. Chi, Lawrence M. Hill, Dewey Ballantine, LLP, New York, NY.

For Craig Brubaker, Defendant: Christine Y. Chi, Lawrence M. Hill, Seth C. Farber, Dewey Ballantine, LLP, New York, NY; Keith S. Dubanevich, Garvey Schubert Barer, Portland, OR.

For Richard F. Judd, Defendant: Alec J. Shebiel, Keith S. Dubanevich, [\*2] Garvey Schubert Barer, Portland, OR; Christine Y. Chi, Dewey Ballantine, LLP, New York, NY.

For Lincoln National Corporation, doing business as Lincoln Financial Group, Lincoln Financial Advisors Corporation, Michael Nelson, James Siegfried, Defendants: Dean D. DeChaine, Peter C. Richter, Bruce A. Rubin, Sarah A. Lowinger, Miller Nash, LLP, Portland, OR.

For BDO Seidman LLP, Michael Kerekes, Robert Greisman, Defendants: Cary Brian Samowitz, David J. Romanski, Richard F. Hans, DLA Piper Rudnick Gray Cary US LLP, New York, NY; Gillian D. Madsen, Michael S. Poulos, Robert S. Markin, DLA Piper Rudnick Gray Cary US LLP, Chicago, IL; Gregory K. Jung, DLA Piper Rudnick Gray Cary US LLP, San Francisco, CA; Kerry J. Shepherd, Markowitz Herbold Glade & Mehlhaf PC, Portland, OR; William P. Donovan, Jr., DLA Piper Rudnick Gray Cary US LLP, Los Angeles, CA.

**JUDGES:** MICHAEL W. MOSMAN, United States District Judge.

**OPINION BY:** MICHAEL W. MOSMAN

**OPINION**

ORDER ADOPTING MAGISTRATE JUDGE'S FINDINGS AND RECOMMENDATION

**MOSMAN, J.,**

On March 8, 2005, Magistrate Judge Hubel issued detailed Findings and Recommendation (docket # 107) in the above-captioned case. In sum, Judge Hubel found: (1) that the [\*3] Deutsche Bank defendants' motion to compel arbitration and stay (# 37) be DENIED; (2) that the BDO defendants' motion to compel arbitration and stay (# 43) be GRANTED, but only with respect to the claims brought by the Allen plaintiffs against BDO; (3) that the BDO defendants' motion to strike and to seal the record (# 63) be DENIED; and (4) that the Lincoln defendants' motion-to dismiss (# 53) be GRANTED IN PART and DENIED IN PART.

Every party found something to dispute in the Findings and Recommendation and, consequently, objections and responses were filed by all.

After *de novo* review pursuant to 28 U.S.C. § 636(b) (1) (B) and *Fed. R. Civ. P. 72(b)*, the court ADOPTS the Findings and Recommendation as the order of this court.

IT IS SO ORDERED.

DATED: Portland, Oregon, May 9, 2005.

MICHAEL W. MOSMAN

United States District Judge